

DeOrchis & Partners, LLP

*Florida Office:*

8751 W. Broward Blvd., Ste. 203  
Fort Lauderdale, FL 33324

(954) 632-0100

*Connecticut Office:*

24 Hoyt Street  
Stamford, CT 06905  
(203) 323-9120

*Attorneys at Law and Proctors in Admiralty*

61 Broadway, 26<sup>th</sup> Floor  
New York, New York 10006-2802

Telephone: (212) 344-4700

Facsimile: (212) 422-5299

www.marinelex.com

May 14, 2008

*New Jersey Office:*

1495 Morris Avenue  
Union, NJ 07083  
(973) 467-4740

*Massachusetts Office:*

2355 Main Street, P.O. 186  
S. Chatham, MA 02659  
(508) 432-2121

**BY HAND DELIVERY**

The Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
40 Centre Street, Room 650  
New York, NY 10007

**MEMO ENDORSED**

P2

Re: Zim Integrated Shipping Services, Ltd. v. Belco Resources, Inc. et al.  
Southern District of New York, 07 Civ. 5861 (RMB)(GWG)

Dear Judge Berman:


We represent plaintiff Zim Integrated Shipping Services, Ltd., in the above captioned matter and we are writing to request a pre-motion conference to move for reconsideration of the Decision & Order entered on May 5, 2008, in the above captioned matter.

Our client has now instructed us to ask the Court to reconsider its ruling dismissing plaintiff's second and third causes of action of its second amended complaint (*See Order & Decision*, pp. 7-8). We believe that the Court has overlooked the law of the Second Circuit on the notice of intent to plead a foreign law pursuant to Fed. R. Civ. P. 44.1, and the fact that plaintiff did include a new "Third Cause of Action" (*See Second Amended Complaint*, ¶¶ 58-64) pleading alternative bodies of law by specifically invoking the provisions of 46 U.S.C. § 1304(6) of COGSA and "international conventions" or "similar applicable international conventions" (*See Second Amended Complaint*, ¶¶ 54, 59 and 61) in accordance with the Second Circuit Court of Appeals in Rationis Enterprises Inc. of Panama v. Hyundai Mipo Dockyard Co., Ltd., 426 F.3d 580, 585 (2d Cir. 2005).

Letter to Judge Berman  
May 14, 2008  
Page 2 of 2

We also would like to draw the attention of the Court on the expiration of the ten (10) days to file a motion for reconsideration under Local Rule 6.3 on May 15, 2008.

Respectfully submitted,



Vincent M. DeOrchis

CC: Via e-mail

Lovells, LLP, *Attorneys for Sinochem Jiangsu Corporation.*

Bennett, Giuliano, McDonnell & Perrone, LLP, *Attorneys for Belco Resources, Inc.*

Tisdale Law Offices, LLC, *Attorneys for Nanjing Huabin Foreign Trade & Economics Co., Ltd.*

W:\1236-689\Corres\Let Judge Berman 051408.doc

No need for a conference + PL can go ahead + file. Def will have 1 week to respond. Counsel may submit better briefs if they wish.	
SO ORDERED Date: 5/14/08	Richard M. Berman Richard M. Berman, U.S.D.J.